

REMARKS

The Office action mailed May 12, 2004, in which the Examiner rejected pending claims 1-12, has been reviewed, and certain amendments have been made to the application. Further, new claim 13 has been added herein. In view of the following remarks, Applicant respectfully submits that the application is in condition for allowance.

Claims 1 and 3 were rejected under 35 U.S.C. 103(a) as unpatentable over O'Brien in view of Florian. According to the Examiner, O'Brien discloses a foot positioning member (60), a support mat (10), and a club positioning member (26 or 28). The club positioning device (26) may be a separate article which may be placed on the mat. If item 26 is indicia on the mat, the method step of "placing a club positioning member" is assumed to be the placement of the ball which acts as club positioning member. O'Brien, however it fails to disclose the use of a mirror. The Examiner relies on Florian to disclose the use of a mirror (8-b).

As amended, Claims 1 and 3 require that the foot positioning members and the club positioning member are selectively removable and repositionable on the support mat surface to indicate proper placement of the user's feet and club for the particular user during the golf club swing. O'Brien does not teach nor suggest such flexibility in its markers. O'Brien discloses that a wedge 60 may be used in conjunction with non-movable foot placement lines 44, 46 and that a ball placement index may be on the inside or outside of the ball itself. The only movable "markers" of O'Brien are wedges 60 and this ball placement index 26. The wedge 60 itself of O'Brien does not designate any particular position, but merely cants the rear foot and leg of a golfer (col. 7, lines 13-14). And, ball placement index indicates to the golfer the proper lateral placement of the golf ball relative to the user depending on the selected club. Thus, there are no repositionable markers in O'Brien that allow a golf instructor to customize the proper setup positions (body stance and club positioning) and/or angles for a user's feet and club to be swung. Further, neither O'Brien nor Florian disclose a mirror that that indicates and maintain the precise location where a user should maintain their eyes while swinging a club. Thus,

Claims 1 and 3, as amended, are patentable over O'Brien in view of Florian and Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. 103(a) rejection of Claims 1 and 3.

Pending Claim 2 depends directly from Claim 1. As this dependent claims includes all of the elements of Claim 1, which are now believed to be allowable over the cited references, Applicant asserts that claim 2 is also allowable.

Claim 4 was rejected under 35 U.S.C. 103(a) as unpatentable over the O'Brien reference in view of Durso. The Examiner states O'Brien discloses an instructional device having markers being adjustable for an individual user (fig. 1, item 60,26,) and relies on Durso to disclose that it is well known in the art to use a professional when using golf instruction devices. As amended, Claim 4 requires that the selectively removable and repositionable markers for designating proper setup positioning and stance for the user to swing a golf club are provided. As discussed for the rejection of claims 1 and 3, O'Brien fails to teach or suggest such markers. O'Brien discloses that a wedge 60 may be used in conjunction with non-movable foot placement lines 44, 46 and a ball placement index that may be placed on the inside or outside of the ball itself. The only movable "markers" of O' Brien thus are wedges 60 and ball placement index 26. The wedge 60 itself of O'Brien does not designate any particular position, but merely cants the rear foot and leg of a golfer (col. 7, lines 13-14). And, ball placement index indicates to the golfer the proper lateral placement of the golf ball relative to the user depending on the selected club. Thus, there are no repositionable markers in O'Brien that allow a golf instructor to customize the proper setup positions and/or angles for a user's feet and club to be swung.

Thus, Claim 4, as amended, is patentable over O'Brien in view of Durso. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. 103(a) rejection of Claim 4. Pending Claims 5 and 6 depend directly from Claim 4. As this dependent claims includes all of the elements of Claim 4, which is now believed to be allowable over the cited references, Applicant asserts that claims 5 and 6 are also allowable.


Claims 1-12 were further provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Attached is a terminal disclaimer disclaiming, except as provided, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,743,111, Application Number 10/127,621, which was filed on April 22, 2002.

New claim 13 has been added herein. This claim is directed to a method for providing golf instruction that provides a user with (1) an instructional device having selectively removable and repositionable markers for designating proper setup positioning and stance for the user to swing a golf club; (2) a mirror for monitoring the location of a user's eyes while making practice swings with the golf club; and (3) an instructional manual containing teaching methods corresponding to specific lessons taught by the golf instructor. The method further includes the step of positioning the user in a proper stance by having a golf instructor position the selectively removable and repositionable markers on the device in such locations as to teach the user a proper setup position for swinging a golf club, and having a golf instructor position the mirror on the device in such a location as to teach the user to set up correctly and maintain a near-steady head while making practice swings with the golf club. The user's eyes must be seen in order to maintain proper set-up. The method then reinforces the specific user stance and user club swing technique through teachings arranged within the manual outside the presence of the golf instructor. The selectively removable and repositionable markers for designating proper setup positioning and stance for the user to swing a golf club maintain their golf instructor positioned placements during transfer and subsequent setup of the instructional device. Applicant believes that this claim is allowable in view of the cited art.

Based on the foregoing, it is submitted that the Applicant's invention as defined by the claims is patentable over the references of record. Issuance of a Notice of Allowance is solicited.

Respectfully Submitted,

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